CLERY US DISTRICT COURT NORTHERN DIST. OF TX FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

2010 APR 26 PM 12: 56
DEPUTY CLERK _ AL

CARROLL DAVEY LINCOLN, PRO SE, \$ TDCJ-CID No. 800198, \$ \$ Plaintiff, \$ \$ v. \$ 2:08-CV-0111 \$ MEDICAL STAFF, SECURITY STAFF, UNNAMED GUARD, NP SHERYL GARY, DENTIST NFN CHITWOOD, and \$ DR. ROY FISHER, \$ \$ Defendants.

ORDER OF DISMISSAL

Plaintiff CARROLL DAVEY LINCOLN, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against defendants employed by or otherwise associated with the Texas Department of Criminal Justice and was granted permission to proceed *in forma pauperis*.

On April 2, 2010, a Report and Recommendation was issued by the United States

Magistrate Judge recommending dismissal of the instant cause without prejudice for failure to
prosecute and for failure to comply with an order of the Court.

The period for response has expired. Plaintiff submitted an unsigned letter on April 12, 2010, which the Clerk docketed as his Objections and prepared a Notice of Deficiency. The letter was unfiled by the Court for the deficiency. Moreover, the letter did not adequately

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respond to the Court's earlier Questionnaire and did not cure plaintiff's failure to comply with an order of the Court.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court as to the recommendation of dismissal for failure to comply with an order of the Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case as to the recommendation of dismissal for failure to comply with an order of the Court.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff CARROLL DAVEY LINCOLN is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO COMPLY WITH AN ORDER OF THE COURT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record.

It is SO ORDERED.

Signed this the 41 day of April, 2010.

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United States District Judge